

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 5:18-mj-167 (ATB)

JAMES CARUSO)

Defendant(s))

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 2017 through December 2017 in the county of Oneida in the Northern District of New York the defendant(s) violated:

Code Section
 18 U.S.C. § 2252A(a)(2)(A)
 18 U.S.C. § 2252A(a)(5)(B)

Offense Description
 Receipt of Child Pornography
 Possession of Child Pornography

This criminal complaint is based on these facts:
 See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

Roni J. Dickhaut, Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/27/2018



Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Roni J. Dickhaut, being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Special Agent (“SA”) with the Department of Homeland Security (“DHS”), United States Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), and am presently assigned to the HSI Alexandria Bay office in New York (“HSI Alexandria Bay”). I have been employed as a federal law enforcement officer since January of 2002. I successfully completed the US Customs Special Agent Training Program at the Federal Law Enforcement Training Center. Through my training, experience, and interaction with other Special Agents and law enforcement entities, I have become familiar with the methods of operation used by people who are involved with offenses involving the sexual exploitation of children; to include the use of the Internet to further those offenses. I have assisted, participated, and supported numerous investigations involving offenses related to the sexual exploitation of children, including conducting arrests, preparing and executing search warrants, and conducting surveillance. I am familiar with the facts and circumstances of this investigation because of my participation and discussions with other law enforcement officers involved with this investigation.

II. PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of a criminal complaint charging James Caruso with knowingly receiving child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of Title 18 United States Code, Section 2252A(a)(2)(A); and knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18 United States Code, Section 2252A(a)(5)(B).

3. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers, and on my experience and training as a Special Agent. As this affidavit is being submitted for the limited purpose of securing a criminal

complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that James Caruso has violated Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B).

III. STATEMENT OF PROBABLE CAUSE

A. Interview of Phoenix, AZ Subject Leads to Identification of Website That Sells Child Exploitative Material

4. In March 2012, HSI Phoenix, Arizona initiated an investigation into a password-protected, fee-based "Website M"¹ after a consensual interview with a suspect in a child exploitation investigation ("S1"). The interview resulted in HSI agents assuming S1's online identity on Website M, which is a closed site that only may be accessed by members who were provided login information by Website M.² HSI Phoenix SAs determined that Website M advertises files of child exploitative material for purchase.

5. Results from the preliminary investigation indicated that Website M was being hosted on a server physically located in India, and the website claimed to offer 600,000 images and 400 hours of video, all of which could be downloaded for a fee as compressed, encrypted files (.RAR files). Website M typically charged \$89.99 USD for each .RAR file. Once downloaded, the user could "un-compress" the .RAR file to reveal multiple image and/or video files. It appeared to HSI Phoenix SA Nicole Rye that most of the .RAR files contained between 500 and 2,000 image and/or video files. Law enforcement agents who visited Website M estimated that many of the images and

¹ The actual name of Website M is known to law enforcement. However, the investigation into the users of Website M remains ongoing, and the disclosure of the name of Website M would potentially alert their members to the fact that law enforcement officers are investigating Website M. Public disclosure of that fact is likely to provoke members to notify other members of the investigation, flee, and/or destroy evidence. Accordingly, to preserve the confidentiality and integrity of the ongoing investigation, the actual names and other identifying details of Website M are not disclosed in this affidavit.

² S1 provided SAs with the URL link to Website M and S1's login information to Website M but S1 has not provided sufficient information to law enforcement to understand how S1 originally obtained the URL or login information for Website M.

videos advertised on the website depict what appeared to be pre-pubescent male and female minors engaged in sexual activity with adults and/or posed in a sexually explicit manner.

6. According to SA Rye, Website M allows members to preview samples of the images/videos contained in the .RAR file prior to purchasing the .RAR file. Over the course of their investigation, which has involved previewing and downloading multiple .RAR files, law enforcement has found that the “sample” images/video screenshots SAs previewed always corresponded to the un-compressed image and video files contained in the downloaded .RAR file.

7. After selecting an encrypted .RAR file, the member pays for its password by entering in credit card information. Website M then causes an email to be sent to the member with the encryption password for the .RAR file. The member must enter that password to decrypt and un-compress the .RAR file.

B. Undercover Purchases Confirmed “Website M” Is Selling Child Exploitative Material

8. I have been informed by SA Rye that, as a result of the interview with S1, law enforcement obtained membership information to Website M that allowed law enforcement to pose as S1 on the website. Between April 2014 and May 2017, SAs made multiple undercover purchases of .RAR files from Website M.

9. For example, in April 2014, SAs (posing as S1) successfully downloaded .RAR files from Website M. SA reviewed the un-compressed image files. Based upon an analysis of hash values, law enforcement determined that the purchased files included video and image files from a known child pornography series referred to as the “Jenny” series. Purchased files included the following video and image files of “Jenny”:

a) “180-2.AVI 9Yo Jenny licked by dog. 16min./with sound.” The screenshot for this video depicts a nude, blindfolded, pre-pubescent female who appears to be less than ten years of age lying on her back while a dog licks her genitals; and

b) Over twenty pictures from the “Jenny” series including an image of the same pre-pubescent, nude, female performing fellatio on a dog.

10. On May 26, 2017, an HSI Phoenix SA, working in an undercover capacity purchased a .RAR file from Website M titled "SIBERIAN MOUSE #36." The un-compressed files contained in the .RAR file depicted what appeared to be minors engaged in sexually explicit acts. When the SA purchased the SIBERIAN MOUSE #36" file, the SA received a confirmation email from an email address from a U.S. payment processor, hereinafter PAYMENT PROCESSOR, stating that "Your order is currently being processed". The identity of the PAYMENT PROCESSOR is known, but is being left out of this affidavit due to the ongoing investigation of Website M and the PAYMENT PROCESSOR.

C. Financial Records Linked to Website M

11. According to SA Rye, HSI Phoenix SAs initiated an investigation into the link between the PAYMENT PROCESSOR and Website M. The PAYMENT PROCESSOR was identified as a payment processor and online business management tool used by Website M.

12. On July 31, 2017, a federal magistrate in the District of Arizona signed a search warrant for the electronic documents in the possession of the PAYMENT PROCESSOR related to their business transactions with and on behalf of Website M.

13. On August 11, 2017, the PAYMENT PROCESSOR provided several spreadsheets in compliance with the search warrant. One of the spreadsheets listed all the transactions that had been processed by the PAYMENT PROCESSOR on behalf of Website M. This list included over 1,000 purchases made to Website M.

D. Identifying James Caruso as a Purchaser of Child Exploitative Material from Website M

14. In September 2017, SA Rye analyzed the PAYMENT PROCESSOR records and identified individuals who made multiple purchases from Website M. SA Rye found that:

a) James Caruso made approximately twelve purchases from Website M between January 2017 and April 2017.

b) According to the PAYMENT PROCESSOR's records, the email address to which it sent the auto-generated receipts and passwords for purchases made by Caruso on Website M was gomets6986@outlook.com.

15. In response to a summons, the PAYMENT PROCESSOR provided the following subscriber information associated with the James Caruso purchaser:

First Name: James

Last Name: Caruso

Email: gomets6986@outlook.com

Address: 2301 Oneida Street, Utica, NY, 13501

IP Address: 74.78.201.68

E. SAs Determined That Caruso Downloaded Child Exploitive Material from Website M

16. Based upon the PAYMENT PROCESSOR records, law enforcement generated the following list of purchases Caruso made via the PAYMENT PROCESSOR from Website M along with identifying information linked to each purchase.

Date	Title	First Name	Last Name	Email	Phone	Region
1/25/2017	PHP SCRIPT 97	James	Caruso	Gomets6986@outlook.com	3155074262	NY
1/25/2017	PHP SCRIPT 161	James	Caruso	Gomets6986@outlook.com	3155074262	NY
1/25/2017	PHP SCRIPT 372	James	Caruso	Gomets6986@outlook.com	3155074262	NY
1/25/2017	SIB SCRIPT 02	James	Caruso	Gomets6986@outlook.com	3155074262	NY
1/27/2017	PHP SCRIPT 302	James	Caruso	Gomets6986@outlook.com	3155074262	NY
1/27/2017	PHP SCRIPT 31	James	Caruso	Gomets6986@outlook.com	3155074262	NY
2/12/2017	RUBY SCRIPT 27	James	Caruso	Gomets6986@outlook.com	3155074262	NY
2/16/2017	JAVA SCRIPT 45	James	Caruso	Gomets6986@outlook.com	3155074262	NY
2/28/2017	SIB SCRIPT 35	James	Caruso	Gomets6986@outlook.com	3155074262	NY
3/15/2017	PHP SCRIPT 360	James	Caruso	Gomets6986@outlook.com	3155074262	NY
4/7/2017	PHP SCRIPT 148	James	Caruso	Gomets6986@outlook.com	3155074262	NY
4/12/2017	PHP SCRIPT 18	James	Caruso	Gomets6986@outlook.com	3155074262	NY

17. After obtaining Caruso's purchase history from the PAYMENT PROCESSOR, an HSI Phoenix SA, in an undercover capacity, viewed "samples" from each file Caruso purchased. The previews were recorded using screen capture software available to law enforcement. I have reviewed previews from some of the files referenced in the table above that Caruso downloaded and all of the files I have viewed appeared to contain child exploitative material.

18. For example, on April 12, 2017, Caruso purchased a .RAR file with the billing code "PHP SCRIPT 18." SAs located a .RAR file on Website M titled "HM VIDEO ARCHIVE 18". When SAs clicked on this .RAR file on Website M, the website provided the following prompt at the bottom of the webpage "BUY NOW PASSWORD FOR HM VIDEO ARCHIVE #18". When SAs clicked on this prompt, the webpage displayed an option to buy "PHP SCRIPT 18" with an "Immediate License Code sent by Email".

19. I reviewed the screen capture of the "samples" viewed from PHP SCRIPT 18 file. I observed several "sample photos," including the two image files described below:³

- a) The first image depicts a pre-pubescent, Caucasian minor female who appears to be less than five years of age laying on her back, cross ways on a bed with no clothes. There is an adult male with his head between the minor child's legs and appears to be performing oral sex on the minor.
- b) The second image depicts a pre-pubescent female Caucasian child who appears to be less than 5 years of age. The minor child is lying on her back on the bed. The Minor has her top pushed up to her underarms. The child is not clothed from the waist down. There is a male adult holding the child's arms to the side of her head as he appears to perform oral

³ The image files are not associated with individual file names because they were previewed as "samples." If law enforcement had downloaded the .RAR file, the un-compressed files would contain individual file names. Law enforcement elected not to download all of the .RAR files purchased by Caruso because law enforcement was concerned that such a large volume of purchases would be suspicious to Website M and may cause Website M to terminate SI's membership.

sex on the child.

20. On March 15, 2017, Caruso purchased a .RAR file with the billing code "PHP SCRIPT 360." SAs located a .RAR file on Website M titled "HM VIDEO ARCHIVE 360". When SAs clicked on this .RAR file on Website M, the website provided the following prompt, the webpage displayed an option to buy "PHP SCRIPT 360" with an "Immediate License Code sent by Email". SAs purchased and downloaded this .RAR file in an undercover capacity.

21. I reviewed the purchased PHP SCRIPT 360 File. I observed one notebook file and nine video files in the PHP SCRIPT 360 File including the following files described below:

a) A video file titled 360-9.mpg is approximately 12:35 minutes in length. The beginning of the video depicts an unconscious pre-pubescent female who appears to be approximately 9 years old. The child is shown laying on her back naked on the edge of a bed with her legs spread apart exposing her genitalia. An adult male's erect penis can be seen rubbing the child's genitalia. An adult male rubs a clear substance on the child's genitalia and his erect penis. The male then continues to rub his erect penis up and down on the child's genitalia until the adult male ejaculates into the child vagina. The second portion of the video (begins at 6:01) and depicts a male child approximately 8 years old sitting naked (with the exception of socks) in a bed and then later standing in the middle of the room with his legs spread apart while the camera focuses on his buttocks and penis. Later in the video the same male child is seen with a female who is approximate 7 years old and dressed in a shirt and underwear. The children are seen laying on a bed while the female child strokes the male child's erect penis with her hand.

b) A video file titled 360-7.mov depicts a minor female less than five years of age. The video has sound. The minor child has a silver scarf fabric covering her eyes. An adult male is standing in front of the child instructing the child to open her mouth as he places his erect penis in her mouth. The adult male can be heard stating "open your mouth as much as you can" and "Stick out your tongue." The minor child follows the adult male's commands. The male places his hand on the back of the child's head as the puts his erect penis in her mouth.

22. Based upon my training and experience and my knowledge of the facts of this case, I believe Website M generates a billing name for each file to disguise the contents of the file for anyone with access to the billing records, such as the payment processor. As indicated in the chart above, all purchases appear to be “script”. The names of the “script” are the same as legitimate “script” that computer programmers utilize such as JAVA. Website M registered their business with the PAYMENT PROCESSOR as “The Scripts”.

23. I reviewed the financial purchase records provided by the PAYMENT PROCESSOR and noted that each of Caruso’s purchases, listed his billing address as 2301 Oneida Street, Utica, NY. On January 9, 2018, the United States Postal Inspection Service (USPIS) advised that James Caruso was receiving mail at 2301 Oneida Street, Apartment D, Utica, New York.

24. On January 17, 2018, I reviewed the subpoena return provided by Charter Communications Inc. The subpoena requested subscriber information for the IP address, 74.78.201.68. The return stated that IP address 74.78.201.68 is assigned to subscriber James Caruso, 2301 Oneida Street, Apartment D, Utica, NY 13501. Also associated with this IP address was the user name of brooklynjim@roadrunner.com and the telephone numbers 315-507-4262 and 315-601-1144.

25. On January 26, 2018, HSI Special Agents obtained a Federal Search Warrant from this Court for James Caruso’s apartment located at 2301 Oneida Street, Apartment D, Utica, New York, his person and two of his vehicles.

26. On January 31, 2018, your Affiant, along with other HSI agents and the New York State Police, executed the Federal Search Warrant at Caruso’s apartment. During the execution of the search warrant Caruso told agents that he lived alone and that all of the electronics in the residence belonged to him. Caruso also told agents that his Wifi was locked and that no one else used his electronics.

27. During the course of the search law enforcement agents seized a purple HP Stream Laptop Computer from Caruso’s living room. The laptop’s home screen contained the name “Brooklyn Jim” with the sign in name of gomets6986@outlook.com. As noted above this email was

identified as the email Caruso used to receive encryption keys for the Child Exploitation material he got from Website M. Also seized from the residence was a Blue Thumb drive, a Samsung Galaxy 1 phone with a broken screen, and a second Samsung Phone without a broken screen.

28. The NY State Cyber Crimes Unit conducted a Partial Forensics examination of the HP Stream Laptop computer seized from Caruso's apartment. During this examination 131 video files and 32 images of child pornography were located. Your affiant viewed these videos and images and provides a description of four of them below:

a) A file titled "Collection9-Video063.Captain_and_1479.avi" downloaded on December 2, 2017 that is approximately 21 minutes and 26 seconds in length. The video depicts four female children between the ages of 5 and 8 years. The video starts with the children dressed in pajama pants and shirts. The children then undress and stand naked before the camera. An adult male stands between the children. One child begins rubbing and holding the male's erect penis. A second child begins performing oral sex on the adult male. Throughout the video the children take turns performing oral sex on the adult male at his direction.

b) A file titled: "Collection11-Video098.Free_loving_1819.avi" downloaded on December 5, 2017, that is approximate 9 minutes in length. The video depicts a female child less than five years of age wearing a red dress. The minor child removes her leggings and underwear and sits on a toilet. A naked adult male approaches the child while she is still seated on the toilet and the child begins performing oral sex on the adult male. Later, an adult female performs oral sex on the adult male while the child remains on the toilet. The adult female and the child then take turns performing oral sex on the adult male. Later in the video the adult female performs oral sex on the child. The adult female also rubs her fingers over the child's vagina. The adult male then picks up the child, sits naked on the toilet and tries to penetrate the child with his erect penis. The adult female then performs oral sex on the adult male and rubs the child's genitalia with the adult male's erect penis. The video ends with the adult man starting to ejaculate on the child's face.

c) A file titled: Collection2-Video182.Very_1212_2538_and_1795_1108.avi was downloaded on November 25, 2017 and is approximately one hour and ten minutes long. The video depicts four female children ranging in age from 8 to 14 years. The children take a shower together as an adult male's hand touches the girls' breasts and genitalia. After the shower the camera does a close up of each girl's vaginal and anal areas. The camera follows the girls where they eat ice cream naked in the kitchen and dance naked in the living room with a male child who appears to be 3-4 years of age. The camera continues to follow the girls to a bedroom setting where the girls are observed rubbing a penis shape sex toy along their genitalia area. One minor female penetrates herself with the sex toy. Later in the video the female children perform oral sex on an adult male penis. The same penis is seen penetrating a female child. Further in the video, the same adult male penis wearing a condom is seen penetrating the anus of a female child. The video continues and the female children take turns performing oral sex on the same adult male. The adult male then performs oral sex on the eight year old child. The other female children are seen performing oral sex on the eight year old child as the adult male digitally penetrates the eight year old's anus. The adult male then performs oral sex on another female child and digitally penetrates the child's vagina.

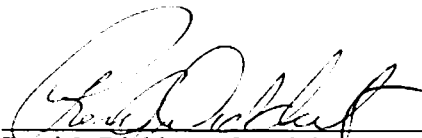
d) A file titled: "Collection11-Video162.2780_-_Nancy_2769_5_yo.avi" was downloaded on December 5, 2017. This file is a video that is approximately 18 minutes long. The video is of a female child who is approximately 5 years old. The child is seen naked from the waist down rubbing her genitalia area. Later in the video an adult male performs oral sex on the child. The child then rubs the adult male's erect penis as they lay on a bed naked from the waist down. The child then performs oral sex on the male. Next the child lays on her stomach as the adult male rubs his erect penis on her genitalia. The adult male then appears to penetrate the child with his penis and digitally penetrates the minor child.

29. Criminal history checks revealed that on August 1, 2017, James F. Caruso was arrested by the Rome City Police Department for two felony counts of sexual abuse 1st, sexual contact with an individual less than 11 years of age and 2 misdemeanor counts of Endangering the

Welfare of a Child. These charges relate to an incident that occurred on or about July 31, 2017, wherein Caruso is alleged to have touched the vaginal area of an 8 year old and the breasts of a 10 year old.

IV. CONCLUSION

30. Based upon the above information, there is probable cause to establish that James F. Caruso violated Title 18, United States Code, Section 2252A(a)(2)(A) which prohibits knowingly receiving child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce; and 2252A(a)(5)(B) which prohibits knowingly possessing child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, and request that a criminal complaint be issued pursuant to these violations of federal law.



Roni J. Dickhaut, Special Agent
Homeland Security Investigations

Subscribed to and sworn before me
this 27th day of March, 2018.



HONORABLE ANDREW T. BAXTER
UNITED STATES MAGISTRATE JUDGE